

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE ELEVATOR AND ESCALATOR	:	MDL No. 1644
ANTITRUST LITIGATION	:	
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IN RE ELEVATOR ANTITRUST	:	Master Docket No. 1:04 CV 01178 (TPG)
LITIGATION	:	(ECF CASE)
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This Document Relates To:	:	
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All Actions	:	ORAL ARGUMENT REQUESTED
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**NOTICE OF DEFENDANTS' MOTION TO DISMISS
THE SECOND CONSOLIDATED AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying declaration, exhibits, Memorandum of Law, and all prior proceedings in this action, the defendants will move this Court, at a date to be determined, pursuant to Rules 12(b)(6) and 12(b)(1) of the Federal Rules of Civil Procedure, for an order dismissing the plaintiffs' Second Consolidated Amended Complaint with prejudice, and for such other relief as this Court deems just and proper; and

PLEASE TAKE FURTHER NOTICE that at the same time to be determined by this Court defendants Kone Corporation, Schindler Holding Ltd., and ThyssenKrupp AG will move this Court, pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, for an order dismissing the Second Consolidated Amended Complaint as to them for lack of personal jurisdiction.

Dated: October 21, 2005

Respectfully submitted,

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By: /s/ Mark Leddy

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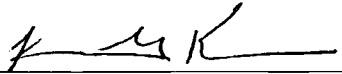
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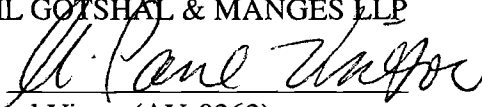
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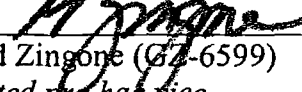
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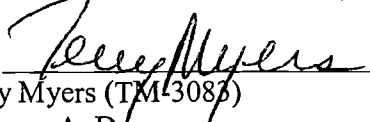
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